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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/986,835	12/08/97	JURMAIN R	BT0006USPT01

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EXAMINER	
PRIDDY,M	

ART UNIT	PAPER NUMBER
3712	5

DATE MAILED: 06/22/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/986,835	Applicant(s) Jurmain Et. Al.
	Examiner Michael Priddy	Group Art Unit 3712

☒ Responsive to communication(s) filed on *Dec 8, 1997*.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-267* is/are pending in the application.

Of the above, claim(s) *1-46, 51, 71-207, 213, 214, 238, 239, 257, and 258* is/are withdrawn from consideration.

☒ Claim(s) *70, 228-235, and 261-267* is/are allowed.

☒ Claim(s) *47-50, 52-69, 208-212, 215-227, 236, 237, 240-256, 259, and 260* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Election/Restriction

This application contains claims directed to the following patentably distinct species of the claimed invention: an infant simulator with: a temperature sensor (1-25); a compression sensor (26-46); a diaper changing system (47-70); a rocking-request system (71-104); a feeding and burping-request system (105-162); a fussing system (163-207); and general demand episode systems (208-267).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 208-267 are generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Michael S. Sherrill on 06/02/98 a provisional election was made with traverse to prosecute the invention of an infant simulator with a diaper changing system, claims 47-70. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-46, 71-207 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Within this elected species this application further contains claims directed to the following patentably distinct subspecies of the claimed invention: user I.D. signal receiving means with user voice or fingerprint recognition system (51) user i.d. signal receiving means with key and keyhole system (52).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed subspecies for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 47-70 are generic.

During a telephone conversation with Michael S. Sherrill on 06/04/98 a provisional election was made with traverse to prosecute the invention of a user I.D. signal receiving means

with key and keyhole system, claim 52. Also in the generic set of claims, concerning the same species, claims 215, 240, and 259 have been selected from sets 213-215, 238-240, 257-259 respectively. Affirmation of this election must be made by applicant in replying to this Office action. Claims 51, 213, 214, 238, 239, 257 and 258 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Inventorship

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Specification

1. The disclosure is objected to because of the following informalities: on page 9, line 21, "infants" should be "infant"; on page 9, line 27, "is" should be inserted after "module,"; on page

22, line 19, "ability the" should be 'ability to"; on line 58, page 13, "to be feed" should be "to be fed".

Appropriate correction is required.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 47 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2173.05(l). The omitted elements are: diaper changing signal of section ii) has not been adequately described in preceding claim language.

3. Claim 52 recites the limitation "the identification-signal receiving means" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 208 and 254 are rejected under 35 U.S.C. 102(a) as being anticipated by Nasco International INC. A Ready Or Not Tot doll with all of the limitations of the invention claimed is disclosed in a brochure for the doll.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nasco International Inc. as applied to claims 208 and 254 above, and further in view of Corris et. al. Nasco International Inc. teaches all of the limitations of the invention claimed except a diaper has

a means effective for transmitting the diaper-changed signal to the soiled-diaper signal arresting means when the diaper is fitted on the doll. Corris et. al. discloses a doll which cries until a bottle with a nipple is inserted into its mouth. Doll 10 has a speaker assembly 78 (signal generating means) which generates a crying sound until nipple 166 (means effective for transmitting) is inserted into switch 164 (signal arresting means) separating contacts 118 and 122 to arrest the demand signal. Although Corris et. al does not teach specifically a diaper with means for transmitting a diaper changed signal to a soiled-diaper arresting means, it would be obvious to one skilled in the art at the time the invention was made to apply the transmission means of Corris et. al. in the form of any infant demand/satisfaction system onto the doll of Nasco International Inc. to have a diaper which when changed will arrest the complaint generating means.

3. Claims 48-50, 52-55, 58-60, 62-69, 209-212, 215-217, 219-227, 255-256, and 259-260 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nacsco International Inc. and Corris et. al. as applied to claim 47, 208 and 254 above, and further in view of Schertz et. al. Nasco International Inc. and Corris et. al. teach all of the limitations of the claimed invention except a means for measuring and recording the duration of the diaper-change episode and that the interval between the generation of the sequential soiled-diaper signals is a random variable. Schertz et. al. teaches a interactive neonatal resuscitation training simulator in the shape and size of a real infant which has a means for timing and recording the duration of a demand or problem episode. It would be obvious to one skilled in the art at the time the invention was made to apply

the teaching of Schertz et. al. onto the invention of Nasco International Inc so as to have a method by which to measure the performance of the assignee to an infant simulator. The limitation of measuring and recording each duration separately and measuring and recording their sum as set forth in claims 54 and 55 are obvious design choices over this teaching. Furthermore the limitation of the time interval being a random variable is an obvious design choice over the predetermined intervals disclosed in the Ready-Or-Not Tot brochure as are the specific times claimed in claims 68-69.

4. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nasco International Inc., Corris et. al. and Schertz as applied to claims 47-50, 52-55, 58-60, 62-69, 208-212, 215-217, 219-227, 254-256, and 259-260 above, and further in view of Lyons et. al. Nasco International Inc. Corris et. al. and Schertz et. al. teach all of the limitations of the invention claimed except that the perceptible soiled-diaper signal is expressed as a wetted diaper. Lyons et. al. teaches a toy doll with a mouth opening adapted to receive a simulated nursing bottle from which water is fed to the interior of the doll. Some of said water produces a wetting action. It would be obvious to one skilled in the art at the time the invention was made to apply the teaching of Lyons onto the invention of Nasco International Inc. so as to have a more realistic perceptible signal for a wet diaper.

5. Claims 56, 57, 218, 236, 237, and 240-253 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nasco International Inc. et. al., Corris et. al. and Schertz et. al. as applied to

claims 48-50, 52-55, 58-69, 208-212, 215-217, 219-227, 254-256, and 259-260 above, and further in view of DeFino et. al. Nasco International Inc. et. al., Corris et. al. and Schertz et. al. teach all of the limitations of the invention claimed except that there is a means for escalating the intensity of the soiled-diaper signal as the duration of the diaper-change episode increases. Although the limitation is well know across many arts especially those dealing with games with time limits, DeFino et. al. has been cited as proof. DeFino et. al. teaches an auto alarm which produces a low level warning when one enters the vehicle door and this warning increases in volume with time. It would be obvious to one skilled in the art at the time of the invention to apply the increasing intensity alarm mechanism of DeFino et. al. to the doll of Nasco International INC. so as to indicate the increasing seriousness of continued failed responses to the demand signal. Furthermore, escalating the signal to at least two higher intensities, as claimed in 246, is an obvious design choice within escalating signals.

Allowable Subject Matter

1.. Claims 70, 228-235 and 261-267 are allowed.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hutchins, Bills et. al., Pracas, Carlberg, and Ingenito are cited to show similar dependent care training devices.

2. Any inquiry concerning this communication from the examiner should be directed to Michael B. Priddy whose telephone number is (703) 308-8620. The examiner can normally be reached on Mon.-Fri. from 8 a.m. to 4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Hafer, can be reached on (703) 308-1148. The fax phone number for this Group is (703) 305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

MBP

Robert A. Hafer
Supervisory Patent Examiner
Group 3700